



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/573,325

12/28/2006

Brian L. Hamm

125047.00101

4953

27557

7590

11/19/2009

BLANK ROME LLP

WATERGATE

600 NEW HAMPSHIRE AVENUE, N.W.

WASHINGTON, DC 20037

EXAMINER

RUDAWITZ, JOSHUA I

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

11/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,325	Applicant(s) HAMM, BRIAN L.	
	Examiner JOSHUA I. RUDAWITZ	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03242006; 07102006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "said chassis" in line 3 of the claim. It is assumed that the claimed limitation is directed towards the "workstation chassis"; for the sake of clarity all elements must be called by the same term throughout. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 2 recites the limitation "the tub" in line 8 of the claim. It is assumed that the claimed limitation was intended to be directed towards the "self propelled tug". There is insufficient antecedent basis for this limitation in the claim.

5. Claim 4 recites the limitation "the roller table" in line 2 of the claim. It is assumed that the claimed limitation was intended to be directed towards the "roller conveyor". There is insufficient antecedent basis for this limitation in the claim.

6. With regards to claim 13, the limitation "presents a roller conveyor plane of between 180mm and 230mm." is unclear. The examiner was unable to ascertain what was intended by this limitation from the specification, specifically as to what a "conveyor plane" is. As such, this limitation will not be treated with respect to the prior art.

Art Unit: 3652

7. Claim 11 is not in the proper claim format and will therefore not be considered by the prior art.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 6, 8-10, 12-14 are rejected under 35 U.S.C. 102(b) as best understood as being anticipated by Anderson et al. (US 4,312,619).

Anderson et al discloses a materials handling system comprising, a mobile work station, MDL, and a self propelled tug, AL, the mobile workstation having a roller conveyor 54 supported on a workstation chassis, the chassis having castors 22 engageable with a floor and a tow bar, longitudinally extending portion of the chassis 20 extending from at least one of a side or end of the chassis, the tug having a body mounted on at least three ground engageable wheels and a tow bar hitch 115 adapted to couple with the extended tow bar such that the rotary axis of at least one of the tug wheels is at least as close to the workstation chassis as the tow bar; the workstation wheels are all mounted to rotate on a single axis located at the side or end of the workstation chassis remote from the tow bar, the workstation chassis having ground engageable supports 44 towards the side or end near the tow bar and the tow bar hitch acting to lift the tow bar and hence the tow bar end of the chassis such that when free standing the workstation is braked by the ground engageable supports and engaged

Art Unit: 3652

with the floor, and when the tow hitch is coupled to the tow bar the ground engageable supports are raised clear of the ground so that the tub can propel the workstation supported on the wheels and castors; the tow bar is extensible from a position substantially flush with the side of the chassis; the roller conveyor includes a drive transmission to drive at least some of the rollers, the drive transmission having a drive coupling to co-operate with a corresponding drive coupling provided on the tug whereby the tug provides the power to drive the roller conveyor, via connection discussed at 17:3-7; an elevating truck dock 26, the elevating truck dock having a drive coupling arranged to co-operate with the coupling of the mobile workstation to provide power to the roller conveyor; an elevating truck dock 106, the elevating truck dock comprising a free standing chassis 112 mounted on ground engaging wheels, of the tug, whereby the truck dock can be moved out of the way of an access door of a warehouse; the truck dock is provided with a floor mounted guide rail to guide the truck dock to move laterally in order to align a load with the truck bed of a truck when receiving or discharging the load; the truck dock includes an elevator assembly 108/110 supported by the truck dock chassis, the elevator assembly having a pair of parallel elevator beams extending one each to either side of a work station bay and having parts projecting laterally to engage beneath the sides of the chassis of a workstation driven into the work station bay; the roller conveyor having a transmission whereby power may be transmitted from a drive coupling to at least one of the rollers of the conveyor, the drive coupling being disposed on an end or side of the mobile workstation to engage with a complementary drive coupling provided on the tug so that when coupled to the tug the roller conveyor can be

Art Unit: 3652

powered to power a load on to or off of the workstation, see 17:3-7; the chassis comprising elongate side members connected at each end by laterally extending end members and a plurality of laterally extending strengthening beams extending between the side members at longitudinally spaced intervals which support an overlying roller conveyor, the workstation can support loads of between 5 and 9 metric tones, 1:39-54.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 4,312,619) in view of Axmann (US 6,253,910).

Anderson discloses a power coupling via a hydraulic system and therefore fails to disclose the power coupling via a friction drive roller. However, Axmann discloses the use of transferring power via a friction drive roller 135 (figure 10), since both are well known means to transfer mechanical power, it would have been obvious to a person having ordinary skill in the art to use Axmann's friction wheel in place of the hydraulic system as a mere change in known power transmission means.

Conclusion

12. The prior art made of record and not relied upon, but is considered pertinent to applicant's disclosure can be found on the attached PTO-892.

Art Unit: 3652

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA I. RUDAWITZ whose telephone number is (571)272-7856. The examiner can normally be reached on Monday - Friday, 7:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. I. R./
Examiner, Art Unit 3652

/Saúl J. Rodríguez/
Supervisory Patent Examiner, Art
Unit 3652